IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 5155 of 2006(L)

PETITIONERS:

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1. P.K.RAVEENDRAN,
   M/S.P.K.RAVEENDRAN, CHELUR BUILDING,
   MARAR ROAD, W.ISLAND, COCHIN-3.

2. M.AJITH NARAYAN, M/S.AJITH NARAYAN,
   CUSTOMS HOUSE AGENTS, COCHIN-3.

3. SAMUEL KIRUBANANDAN,
   PARTNER, M/S.ISLAND SHOPPING AGENCIES,
   VENKITARAMAN ROAD, W. ISLAND, COCHIN-3.

4. O.L.THARIYAN,
   M/S. RUBY CARGO SERVICE,
   A.V.GEORGE BUILDING, COCHIN-3.

5. P.K.GOPAN,
   INTERNATIONAL CARGO SERVICES,
   G.V.IYER ROAD, W.ISLAND, COCHIN-3.

6. V.G.SATHEESH, PARTNER,
   M/S.TRANSLIEN, CUSTOMS HOUSE AGENT,
   COCHIN-3.

7. JAYAPATHI SYAMALANGAN,
   PARTNER, M/S.CARGO CLEAR INTERNATIONAL,
   LEE GEES BUILDING, G.V. IYER ROAD,
   W. ISLAND, COCHIN-3.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.ARUL KUMAR.P

RESPONDENTS:
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1. THE COMMISSIONER OF CUSTOMS,
   CUSTOMS HOUSE, COCHIN.

2. THE ASSISTANT COMMISSIONER OF CUSTOMS
   (I&B), CUSTOMS HOUSE, COCHIN.

3. THE CHIEF COMMISSIONER OF CUSTOMS,
   NEW DELHI-110 002.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON 06/12/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Customs House Agents temporary licence issued to the 1st petitioner.

Ext.P2: True copy of order of 2nd respondent.

Ext.P3: True copy of the Customs House Agents temporary licence issued to the 2nd petitioner.

Ext.P4: True copy of the Customs House Agents temporary licence issued to the 1st petitioner.

Ext.P5: True copy of the Customs House Agents temporary licence issued to the 4th petitioner.

Ext.P6: True copy of the Customs House Agents Temporary licence issued to the 5th petitioner.

Ext.P7: True copy of order of 2nd respondent.

Ext.P8: True copy of order of 2nd respondent in respect of the 6th petitioner.

Ext.P9: True copy of the Customs House Agents temporary licence issued to the 7th petitioner.

Ext.P10: True copy of the test results published wherein 6th petitioner is shown as passed.

Ext.P11: True copy of the letter sent by the 6th petitioner to the 1st respondent.

Ext.P12: True copy of the public notice issued by the 1st respondent notifying 3rd test.

Ext.P13: True copy of the receipt evidencing remittance of fees by the 5th petitioner.

Ext.P14: True copy of the joint petition by petitioners before the 1st respondent.

Ext.P15: True copy of the joint petition by petitioners before the 1st respondent.

Ext.P16: True copy of the petition by 3rd petitioner before the 1st respondent.

Ext.P17: True copy of the petition by the 5th petitioner before the 1st respondent.

Ext.P18: True copy of the petition by 6th petitioner before the 1st respondent.

Ext.P19: True copy of the application for examination submitted for the 7th petitioner.

Ext.P20: True copy of letter issued by 2nd respondent.

Ext.P21: True copy of the statutory appeal filed by the 7th petitioner before the 3rd respondent.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.5155 OF 2006

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Dated this the 6th day of December 2006

JUDGMENT

Heard counsel for the petitioners and Assistant Solicitor General for respondents.

2. All petitioners are holders of temporary Customs Agents licence. Under the 2004 Regulation, temporary licensees are given two years' time to pass the written examination to regularise their licence. Except petitioners 2 and 7, all others have become qualified licensees by passing the examination. Therefore, the prayer in the writ petition is limited to petitioners 2 and 7 who are writing the examination being held in the 3rd week of December 2006. Counsel for petitioner contended that the Regulations require examination to be conducted twice in an year. Therefore according to him, minimum three examination should have been completed from the commencement of the new regulation introduced in 2004. Petitioner's case is that they can write four examinations to be conducted in two years. Since regulation 8(5) requires temporary licensees to pass examination within two years from the commencement of the new regulation,

petitioners should pass examination atleast in three chances as the result of the last examination can be published only after two years from the date of commencement of the new regulation.

3. In the circumstances, writ petition is disposed directing respondents to permit the petitioners to continue as temporary licensees until results of the next examination is published and thereafter depending on the results of the examination. Petitioners 2 and 7 should be permitted to write the examination being held now.

Writ petition is disposed of.

C.N.RAMACHANDRAN NAIR, JUDGE

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